



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHINMEI CHEN LEE

DOUGLAS WILLIAM VARNEY

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For: REMOTELY INITIATED
SURVEILLANCE

Examiner: David J. Czekaj

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APPEAL BRIEF

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Signature

Sir:

On July 15, 2005, Appellants filed a Notice of Appeal in response to a Final Office Action dated April 20, 2005, issued in connection with the above-identified application. In support of the appeal, Appellants hereby submit this Appeal Brief to the Board of Patent Appeals and Interferences.

Since the Notice of Appeal for the present invention was received and stamped by the USPTO Mailroom on July 22, 2005, the two-month date for filing this Appeal Brief is September 22, 2005. Since this Appeal Brief is being filed on or before September 22, 2005, this paper is believed to be timely filed.

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If an extension of time is required to enable this paper to be timely filed and there is no separate Petition for Extension of Time filed herewith, this paper is to be construed as also constituting a Petition for Extension of Time Under 37 CFR § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

The Commissioner is authorized to deduct the fee for filing this Appeal Brief (\$500.00) from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2100.011800. No other fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2100.011800.

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I. REAL PARTY IN INTEREST

The present application is owned by Lucent Technologies, Inc.

II. RELATED APPEALS AND INTERFERENCES

Appellants are not aware of any related appeals and/or interferences that might affect the outcome of this proceeding.

III. STATUS OF THE CLAIMS

Claims 1-9 and 11-21 are pending in this application. Claim 10 has been canceled. Accordingly, claims 1-9 and 11-21 are the subject of the present appeal. The claims currently under consideration, *i.e.*, claims 1-9 and 11-21 are listed in the Claims Appendix.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Generally the present invention is directed to several inventive methods and apparatus for initiating surveillance of an area or event. This invention is generally described throughout the specification. By way of example only, at least portions of the invention are described at p. 2 in "Summary of the Invention," which discloses a method in which a "mobile terminal subscriber" can seize control of and direct surveillance equipment to focus on an identified area. The mobile terminal subscriber initiates the surveillance process by selecting a "surveillance" option from a menu, or by entering a code. The area placed under surveillance may be the location of the subscriber's mobile terminal or a remote area identified by the subscriber. Where the area under surveillance is where the mobile terminal is located, the area can be identified by using location technology such as global satellite positioning signals or signals generated by the wireless network to obtain the coordinates of the mobile terminal. Knowing the coordinates of the area that is designated to be under surveillance and the location of the surveillance equipment (*e.g.*, latitude, longitude and altitude), the selection and orientation of the selected surveillance equipment, *i.e.*, a video surveillance camera located proximate the area, can be oriented to focus on the area. If desired, the subscriber can talk to an attendant observing the activity on a video console. The area can remain under surveillance for a set time period or until terminated by the mobile terminal subscriber or the attendant. The activity under surveillance can be identified and recorded when conditions suggest that it is appropriate to do so.

More specifically, there are three independent claims at issue in the current appeal: claims 1, 18, and 21. Independent claim 1 is generally directed to a method of controlling the surveillance of an area with a mobile terminal. The method of claim 1 involves receiving a request for surveillance from the mobile terminal, identifying the area that is to be under surveillance, and orienting equipment to effect surveillance of the identified area. This invention is generally described throughout the specification. By way of example only, at least portions of the invention are described at p. 4, l. 1 – 33, p. 5, l. 10 – p. 6, l. 4, p. 6, l. 23 – p. 7, l. 20; Figure 2.

Independent claim 18 is generally directed to a wireless telecommunication system. The system of claim 18 comprises video surveillance equipment coupled to a network and a mobile terminal coupled to the network. The said mobile terminal is configured to cause the video surveillance equipment to initiate a request for surveillance of an area. This invention is generally described throughout the specification. By way of example only, at least portions of the invention are described at p. 4, l. 1 – 33, p. 5, l. 10 – p. 6, l. 4, p. 6, l. 23 – p. 7, l. 20; Figure 2.

Independent claim 21 is generally directed to a wireless terminal coupled to a network. The wireless terminal of claim 21 comprises means for coupling video surveillance equipment to a network and means for orienting the video surveillance equipment to initiate a request for surveillance of an area. This invention is generally described throughout the specification. By way of example only, at least portions of the invention are described at p. 4, l. 1 – 33, p. 5, l. 10 – p. 6, l. 4, p. 6, l. 23 – p. 7, l. 20; Figure 2.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-2 are anticipated by U.S. Patent No. 6,697,103 to *Fernandez et al.*, (*Fernandez*).
2. Whether claims 1 and 18 are anticipated by U.S. Patent No. 6,704,040 to *Sato*.
3. Whether claims 1 and 21 are anticipated by U.S. Patent No. 6,400,264 to *Hsieh*.
4. Whether claims 3-10, 12-17, and 20 are unpatentable over *Fernandez* in view of U.S. Patent No. 6,137,485 to *Kawai et al.*, (*Kawai*).
5. Whether claim 11 is unpatentable over *Fernandez* in view of *Kawai* and in further view of U.S. Patent No. 6,342,915 to *Ozaki et al.*, (*Ozaki*).
6. Whether claim 19 is unpatentable over *Sato* in view of U.S. Patent No. 5,917,958 to *Nunally et al.*, (*Nunally*).

VII. ARGUMENT

A. Legal Standards

In the Office Action, claims 1-2 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,697,103 to *Fernandez et al.*, (*Fernandez*). Claims 1 and 18 were finally rejected under 35 U.S.C. §102(e) as allegedly being anticipated by a new reference, U.S. Patent No. 6,704,040 to *Sato*. Claims 1 and 21 were finally rejected under 35 U.S.C. §102(e) as allegedly being anticipated by another new reference, U.S. Patent No. 6,400,264 to *Hsieh*. As the Examiner well knows, and anticipating reference by definition must disclose every limitation of the rejected claim in the same relationship to one another as set forth in the claim. In Re: Bond, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Applying these legal

standards, it is respectfully submitted that the Examiner erred in rejecting independent claims 1, 18 and 21.

1. Claims 1-2 are Not Anticipated by Fernandez

In the Office Action, the Examiner rejects claims 1-2 as being anticipated by *Fernandez*. Applicants respectfully disagree.

Independent claim 1 recites a method of controlling the surveillance of an area with a mobile terminal. The method further includes receiving a request for surveillance from the mobile terminal, identifying the area that is to be under surveillance, and orienting equipment to effect surveillance of the identified area.

Claim 1 calls for receiving a request for surveillance from the mobile terminal, and orienting equipment to effect surveillance of the identified area. Thus, claim 1 states that a mobile terminal subscriber may initiate a surveillance process. In other words, claim 1 calls for placing an area under surveillance in response to a request for surveillance by seizing control of surveillance equipment. Indeed, the specification describes that a mobile terminal subscriber may seize control of surveillance equipment to focus on an identified area. See patent application, page 2. The specification further describes that the mobile terminal subscriber may initiate the surveillance process. The area placed under surveillance may be the location of the subscriber's mobile terminal or a remote area identified by the subscriber. Thus, the claims, when read in light of the specification, indicate that an orientation of a radio surveillance camera may be determined based on the location of the mobile terminal and the surveillance equipment. See the Applicant's patent application, page 6, lines 30-33.

The distinction between a “mobile terminal” in which a request is received for surveillance from a mobile terminal subscriber and “a controller” may not have been appreciated by the Examiner. The Examiner asserts that the controller 6 of *Fernandez* is implemented in a portable computer and is thus equivalent to a mobile terminal that receives a request for surveillance. *See* Final Action, page 2. In rejecting claim 1, the Examiner argues that the portable computer and the mobile terminal both provide computing resources at remote locations. Also, *Fernandez* discloses that the controller 6 is used to change camera focus, zoom, tilt, angle, or pan. *Id.* Thus, according to the Examiner, because *Fernandez* teaches monitoring of mobile objects 2 using the controller 6, preferably implemented using a conventional computer, *Fernandez* teaches controlling the surveillance of an area with a mobile terminal in which a request for surveillance is received from the mobile terminal. Applicants respectfully disagree.

Fernandez does not support the Examiner’s argument. Claim 1 expressly recites that a request is received for surveillance from the mobile terminal, thus indicating that the controller 6 of *Fernandez* and the mobile terminal are two different entities. In *Fernandez*, the controller 6 communicates with the target unit 4 during a corroborative surveillance of a given object. It is the target unit 4 that provides object data that the controller 6 uses. The Examiner uses the “controller 6” to show the teaching for the mobile terminal. However, the Examiner uses the terms “controller 6” of *Fernandez* and “mobile terminal” of claim 1 in a manner contrary to *Fernandez* teaching. That is, for reasons presented below, the “mobile terminal” is neither the “controller 6,” as alleged by the Examiner, nor it can be the “target unit 4.”

Claim 1 specifies that a request for surveillance is received from the mobile terminal and orients equipment to effect surveillance of the identified area. Notwithstanding the claim language, to the contrary, the Examiner argues that Applicants' distinction as to controlling the surveillance of an area with a mobile terminal is described by *Fernandez*.

As understood, *Fernandez* apparently teaches just the opposite of the Examiner's misapplication of *Fernandez*. While the Examiner purportedly finds support in *Fernandez*, as noted below, the Examiner's entire argument in the Final Office Action is based on supposed "implied" or "implicit" teachings of the cited reference. *See* Final Office Action, page 2, stating there *Fernandez* discloses a controller that is implemented in a portable computer. The Examiner notes that a portable computer and a mobile terminal both provide computing resources at remote locations for controlling a surveillance of an area with a mobile terminal.

The Examiner's reliance on *Fernandez* is erroneous. Claim 1 calls for receiving a request for surveillance from the mobile terminal. However, in relying on *Fernandez*, the Examiner simply ignores the fact that the recited claim feature specifies that the act of receiving a request for surveillance is from the mobile terminal. As noted earlier, there is no request for surveillance that is received from the controller 6 of *Fernandez*. As such, the target unit 4 receives user instructions and/or modifications to change, select, or adjust particular sensors, such as camera focus, zoom, tilt, angle, pan, etc., or other such operational attribute of sensor device 44 of the target unit 4. That is, at most, the target unit 4 receives instructions and/or modifications to orient equipment to effect surveillance from the controller 6, and not a request for surveillance from the controller 6. The target unit 4 of *Fernandez* is unaware of existence of a request for surveillance. The Examiner conspicuously fails to provide any support from

Fernandez as to precisely which “request for surveillance” is received by the target unit 4. Indeed, *Fernandez* teaches that the only information associated with orienting equipment is conveyed to the target unit 4. The Examiner cannot contend that these user instructions/modifications are the “request for surveillance” because the Examiner argues that the controller 6 corresponds to the “mobile terminal” recited in claim 1. In other words, the Examiner cannot use the step of receiving a request for surveillance at the controller 6 to satisfy a different expressly recited claim feature of receiving a request of surveillance from the mobile terminal. This is clearly improper.

In the instant case, because the Examiner asserts that the controller 6 corresponds to the “mobile terminal,” the Examiner has failed to show that a request for surveillance is received from the controller 6. For this reason alone, claim 1 is allowable.

While the user of the controller 6 provides input to specify or request current or future monitoring or surveillance of one or more locations, the target unit 4 provides the object data for the controller 6 to use for monitoring the positional data associated with a mobile position of the object. For this reason, it follows that *Fernandez* does not teach that the target unit 4 provides or issues a request for surveillance of a given object since the request for surveillance is not received from a user at the target unit 4. Instead, the user of the controller 6 specifies or requests monitoring of the remote object. Because the controller 6 user requests surveillance of *Fernandez*, the target unit 4 does not, and cannot, receive a request for surveillance from the controller 6 (which corresponds to “the mobile terminal” according to the Examiner) either. See *Fernandez*, col. 6, lines 59-63.

In *Fernandez*, the target unit 4 does not control the surveillance of an area. Instead, it receives instructions and/or modifications from the controller 6 to modify operational attributes of sensors 44.

In *Fernandez*, the target unit 4 does not identify the area that is to be under surveillance nor orients equipment to affect surveillance of the identified area. *Fernandez* does not teach receiving a request at the target unit 4 and orientating equipment to effect surveillance of the identified area. In other words, the target unit 4 of *Fernandez* does not control the surveillance of an area since *Fernandez* teaches that the controller 6 provides user instructions and/or modifications to the target unit 4. For these reasons, the claim 1 features differ from teachings suggested by the Examiner's argument.

Additionally, *Fernandez* does not teach that controller 6 identifies the area that is to be under surveillance. The controller 6 only monitors positional data associated with a mobile position of a given object. The positional data is generated by a mobile detector that comprises a cellular telephone comprising a global positioning system (GPS) receiver coupled to the given object when the object is movable within an observable range. The target unit 4 provides object data that the controller 6 uses. See *Fernandez*, col. 21, lines 20-38. Accordingly, the Examiner's application of *Fernandez* to claim 1 is flawed. Claim 1 is thus allowable. For at least the aforementioned reasons, dependent claim 2 and other pending claims are also allowable.

In the Office Action, the Examiner cites to col. 8, lines 20-23 of *Fernandez* to show a teaching of a receiving feature, *i.e.*, receiving a request from a mobile terminal wherein the controller 6 is indicated to be the mobile terminal, as claimed in claim 1. The Examiner further cites to col. 9, lines 1-5 to show that the user selects the desired objects. The two sections cited

by the Examiner provide a teaching contrary to what is claimed in claim 1. That is, in claim 1, a request for surveillance is received from the mobile terminal and the surveillance of an area is controlled with the mobile terminal.

While *Fernandez* teaches providing input to specify or request current or future monitoring or surveillance of a location or an object, it is the controller 6 user that specifies or requests monitoring of the remote object. *See* col. 6, lines 54-59 in *Fernandez*. User instructions and/or modifications thereto can be conveyed to the target unit 4 where the controller 6 user may provide input to specify or request or future monitoring or surveillance of one or more locations or objects. *See Fernandez*, col., 6, lines 59-63. The user instructions and/or modifications are conveyed to the target unit 4, for example, to change, select, or adjust particular sensors 44, such as camera focus, zoom, tilt, angle, pan, etc., or other such operation attribute of sensor device 44 of the target unit 4. Thus, the section cited merely specifies examples of conveying various actions to the target unit 4 from the controller 6.

The above-indicated citations provided by the Examiner by no means support the Examiner's contention that the mobile terminal recited in claim 1 corresponds to the controller 6. In fact, *Fernandez* indicates otherwise, as the described embodiments clarify that the target unit 4, which is separate from the controller 6, is a mobile detector that provides the GPS data for a given object to the controller 6, enabling the controller 6 to monitor the positional data associated with a mobile position of such given object.

While *Fernandez* indicates that the controller 6 may be a portable computer, it appears that the Examiner confuses the "portable" nature of the controller 6 with the "mobile terminal" of claimed invention in claim 1. The phrase "mobile terminal" as it is used in claim 1, appears to

to cause a confusion from a misunderstanding of the phrase “mobile” as it is used in the cited reference. The phrase “portable computer,” as it is used in *Fernandez*, does not state that “the controller 6” comprises a “mobile terminal,” that receives a request for surveillance to control the surveillance of an area with that mobile terminal. Rather, *Fernandez* indicates that controller 6 and the target units 4 are two distinct devices that are wirelessly connected. *See Fernandez*, col. 5, lines 35-43. The target unit 4 includes a sensor unit 44 and the controller 6 conveys user instructions and/or modifications to the target unit 4 to change, select, or adjust particular sensors 44, such as camera, focus, zoom, tilt, angle, pan, etc., or other such operation attribute of sensor device 44 of the target unit 4. Thus, the Examiner’s reliance on *Fernandez* to expressly teach the claim 1 features is not supported by the cited reference, but is rather a misunderstanding of the cited text on which the Examiner has rested the arguments to supposedly teaching the claimed invention in claim 1. Therefore, *Fernandez* fails to disclose or suggest all the limitations in the method of claim 1. Applicants respectfully request the rejection of claims 1-2 over *Fernandez* be reversed because the prior art does not anticipate or obviate any of the pending claims.

With respect to claim 2, claim 2 refers to using information from the mobile terminal to identify the area that is to be under surveillance. In contrast, the Examiner cites a reference in which information from the target unit 4 (a wirelessly coupled device to the controller 6, which according to the Examiner corresponds to the mobile terminal in claim 1) is used to provide the positional data. In other words, it is not the controller 6 from which the information is used to identify the area that is to be under surveillance. To the contrary, positional data from the target unit 4 is relied upon to make this determination. Thus, to this extent, the arguments presented

above with respect to claim 1 are also applicable here, Applicants respectfully request that the rejection of claim 2 under the 35 U.S.C. §102, be reversed.

2. Claims 1 and 18 are Not Anticipated by Sato

With respect to rejections of independent claim 1 and claim 18 as being anticipated by *Sato*, claim 1 is discussed herein since claim 1 is representative of the Examiner's rejection. Although claim 1 is specifically addressed, the analysis presented also applies to independent claim 18, as those claims also include the same or similar features of claim 1.

In rejecting claim 1, the Examiner argues that *Sato* discloses an apparatus that relates to remote control for a radio phone used for surveillance. The Examiner further states that this apparatus comprises "receiving a request from a mobile terminal". The Examiner cites to Figure 1, col. 4, lines 38-45 in *Sato*. As noted, the Examiner overlooks the nature of the request of the video phone in *Sato*. Thus, according to the Examiner, because *Sato* teaches receiving a request from a video phone, *Sato* teaches receiving a request for surveillance from the mobile terminal, as set forth in claim 1. The Applicants respectfully disagree.

Sato is directed to a cellular phone set 1, which can be used as a remote surveillance monitor. The cellular phone set 1 shown in Figure 1, in *Sato*, generates camera control requests to a connection destination; however these requests are not for surveillance from the cellular phone set 1. In other words, there is no teaching in *Sato* as to receiving a request of surveillance from the cellular phone set 1. Instead of controlling the surveillance of an area with the cellular phone set 1, *Sato* teaches controlling a destination camera. Data for controlling the destination camera is transmitted, as described in col. 5, lines 3-4. In other words, the data controls the

destination camera instead of controlling the surveillance of an area with the cellular phone set 1. Additionally, rather than orienting equipment to effect surveillance of the identified area, *Sato* teaches that in response to the control information in received data, the operation of the camera itself is controlled. That is, the operation of the camera which generates the camera control request is controlled instead of orienting equipment. In other words, there is no teaching of orienting the destination camera. In this way, the Examiner fails to establish anticipation based on teachings of *Sato*. For at least the aforementioned reasons, independent claims 1 and 18 are allowable and the Applicants respectfully request that the rejection of claims 1 and 18 under the 35 U.S.C. §102, be reversed.

3. Claims 1 and 21 are Not Anticipated by *Hsieh*

With respect to rejection of independent claims 1 and 22, claim 1, which is representative of similar or same features in both the rejected claims is discussed herein. Claim 1 is directed to controlling the surveillance of an area with the mobile terminal and calls for receiving a request for surveillance from a mobile terminal. The method of claim 1 further includes identifying the area that is to be under surveillance.

The Examiner alleges that *Hsieh* teaches both the receiving and identifying features set forth in claim 1. The Applicants respectfully disagree.

The Examiner's assertion that a request for surveillance is received from the "mobile terminal" of claim 1 corresponds to "the portable image monitor" and that the camera rotation switch requests the camera to be rotated is not supported by the teachings of *Hsieh*. *Hsieh* is directed to a portable image monitor for controlling an indoor camera. The portable image

monitor includes a camera rotation switch. The camera rotation switch, for example, may be a button or a joy stick, etc. *See Hsieh*, col. 2, lines 10-12. At most, *Hsieh* teaches a button or a joy stick for the camera rotation. As such, a request for surveillance is not and cannot be received from the portable image monitor 3.

For achieving the object of monitoring, the portable image monitor 3 communicates with the safety patrol box 2. *See Hsieh*, col. 3, lines 18-21. Indoor image monitoring can be performed through the outdoor safety patrol box 2. *See Hsieh*, col. 4, lines 57-58. If the portable image monitor 3 is the mobile terminal, as the Examiner contends, then, the Examiner's assertion effectively undermines the expressly stated advantage of *Hsieh*. That is, portable image monitor 3 would receive a request or signal for controlling an indoor camera. In contrast, as stated in *Hsieh*, when the residents go out or an alarm emits, the portable image monitor of neighbors, community managers, or safe guard members or police will monitor. *See Hsieh*, col. 4, lines 45-50. Thus, *Hsieh* does not teach receiving a request for surveillance from the portable image monitor 3.

Moreover, since the secure image monitoring system of *Hsieh* teaches remotely monitoring a predetermined local site, there cannot be any need for identifying the area that is to be under surveillance. In other words, *Hsieh* fails to identify the area that is to be under surveillance. *See Hsieh*, col. 5, lines 7-8. The claim 1 expressly refers to identifying the area that is to be under surveillance, and the Examiner simply ignores the claim language. Accordingly, *Hsieh* fails to teach one or more claimed features of claim 1. Therefore, claim 1 and independent claim 21 are allowable. To the extent the arguments presented above are

applicable to the Examiner's rejections based on the aforementioned reasons, the Applicants respectfully request that the rejection of claims 1 and 21 under the 35 U.S.C. §102, be reversed.

B. Legal Standards

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim features. Additionally, the references must provide a motivation to combine in the manner suggested by the Examiner. Mere conclusory statements to combine are insufficient.

To establish a *prima facie* case of obviousness, there must be a teaching in the references that suggest the combination advanced by the Examiner. Here, the Examiner provides no motivation other than a mere conclusory statement that it would be obvious to combine the references in the manners suggested. Such a conclusory statement is inadequate to establish a *prima facie* case of obviousness. Notwithstanding the Examiner's failure to provide any substantive motivation to combine, a closer review of *Fernandez* and *Kawai* reveals that not only do these references fail to provide any requisite motivation to combine, they, in fact, teach away from the claimed combination.

4. Claims 3-10, 12-17 and 20 are Not rendered obvious over Fernandez in view of Kawai.

In the Office Action, claims 3-10, 12-17, and 20 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Fernandez* in view of U.S. Patent No. 6,137,485 to Kawai *et al.*, (*Kawai*). The Applicants respectfully submit that claims 3-10, 12-17, and 20 are not rendered obvious to one having an ordinary skill in the pertinent art in view of the

Fernandez and *Kawai* references, considered either alone or in combination. That is, a *prima facie* case of obviousness is absent since these references fail to teach or suggest all the recited features. Specifically, as set forth above with respect to the rejections of claim 1, *Fernandez* fails to teach or suggest control of surveillance of an area with a mobile terminal, as claimed in independent claim 1. The Examiner relies on *Kawai* to teach use of information from at least one base station to identify the area that is to be under surveillance. However, *Kawai* fails to teach or suggest a surveillance control of an area with a mobile terminal.

The Examiner's proposed combination of applying the teachings of *Fernandez* (which does not teach or suggest receiving a request of surveillance from the mobile terminal) runs contrary to the teachings of *Kawai* (which teaches use of information from at least one base station to identify the area that is to be under surveillance). As indicated above, *Fernandez* teaches an integrated system for monitoring remote objects that uses a controller to control a corroborative surveillance of an object based on positional data and visual data. In fact, *Fernandez* teaches away from a video surveillance system in which a mobile terminal controls the surveillance of an area and issues a request for surveillance. Furthermore, the cited references fail to provide any suggestion or motivation to modify a reference or to combine reference teachings to arrive at the Applicants' claimed invention. For this additional reason, the pending claims 3-10, 12-17, and 20 are allowable and the Applicants respectfully request that the rejection of claims 3-10, 12-17, and 20 be reversed.

5. Claim 11 is Not rendered obvious over Fernandez in view of Kawai and further in view of Ozaki

In the Office Action, claim 11 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Fernandez in view of *Kawai* and in further view of U.S. Patent No. 6,342,915 to Ozaki *et al.*, (*Ozaki*).

The Examiner relies on *Ozaki* to teach that a person at the mobile terminal is in audio communication via a wireless network with an attendant at a video monitor. However, *Ozaki* fails to teach or suggest controlling the surveillance of an area with a mobile terminal based on a request for surveillance from the mobile terminal. Furthermore, the cited references fail to provide any suggestion or motivation to modify a reference or to combine reference teachings to arrive at the Applicants' claimed invention. Therefore, Applicants submit that, even if combined, the claimed invention will not result from the cited references because the cited references fail to provide any suggestion or motivation for controlling the surveillance of an area with a mobile terminal.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not *prima facie* obvious in view of the cited references. Applicants request that the Examiner's rejection of claim 11 should be reversed.

6. Claim 19 is Not rendered obvious over Nunally

Claim 19 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Sato* in view of U.S. Patent No. 5,917,958 to Nunally *et al.*, (*Nunally*). The Applicants respectfully submit that these claims are not rendered obvious to one having an ordinary skill in the pertinent art in view of the *Sato* and *Nunally* references, considered either alone or in

combination. That is, a *prima facie* case of obviousness is absent since these references fail to teach or suggest all the recited features.

Claim 19, in part, calls for a wireless telecommunication system, wherein the request for surveillance from the mobile terminal is effected by activating a menu and selecting a surveillance option from the menu. However, as set forth above, *Sato* describes that the requests are not for surveillance from the cellular phone set 1, as claimed in claim 19. The Examiner relies on *Nunally* to teach activating a menu and selecting a surveillance option from the menu for the request for surveillance. However, *Nunally* fails to provide any suggestion or motivation to modify *Sato* or to combine reference teachings to arrive at the Applicants' claimed invention. Applicants request that the Examiner's rejection of claim 19 should be reversed.

VIII. CLAIMS APPENDIX

The claims that are the subject of the present appeal – Claims 1-9 and 11-21 – are set forth in the attached “Claims Appendix.”

IX. EVIDENCE APPENDIX

There is no separate Evidence Appendix for this appeal.

X. RELATED PROCEEDINGS APPENDIX

There is no Related Proceedings Appendix for this appeal.

XI. CONCLUSION

In view of the foregoing, Applicants respectfully submit that the Examiner's assertion that the inventions defined in the pending claims are anticipated by *Fernandez*, *Sato* and *Hsieh* is flawed. Some of the other pending claims that stand rejected are not rendered obvious in view

of *Fernandez, Kawai, Ozaki, Sato* and *Nunally*, or any other art of record, necessarily involved an improper use of hindsight using Applicant's disclosure as a roadmap. A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 143 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35. Accordingly, it is respectfully submitted that the Examiner erred in not allowing claims 1-9 and 11-21 over the prior art of record. Applicant respectfully requests the Board reverse the Examiner's rejections.

In light of the arguments presented above, Applicants respectfully assert that all of the claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,



Date: September 21, 2005
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AGENT FOR APPLICANTS

CLAIMS APPENDIX

1. (Original) A method of controlling the surveillance of an area with a mobile terminal comprising the steps of;

receiving a request for surveillance from the mobile terminal,

identifying the area that is to be under surveillance, and

orienting equipment to effect surveillance of the identified area.

2. (Original) The method of claim 1 further comprising the step of:

using information from the mobile terminal to identify the area that is to be under surveillance.

3. (Original) The method of claim 1 further comprising the step of using information from at least one base station to identify the area that is to be under surveillance.

4. (Previously Presented) The method of claim 1 further comprising the step of using information from global positioning system ground stations to identify the area that is to be under surveillance.

5. (Original) The method of claim 2 wherein the area under surveillance is the area where the mobile terminal is located.

6. (Original) The method of claim 5 wherein the location of the mobile terminal is determined from global positioning satellite signals.

7. (Original) The method of claim 5 wherein the location of the mobile terminal is determined from the wireless network.

8. (Original) The method of claim 5 further comprising the step of using the coordinates of the location of the mobile terminal to orient a video surveillance camera to focus on the location of the mobile terminal.

9. (Original) The method of claim 5 wherein the location of the mobile terminal relative to that of the equipment to effect surveillance is used to aim the equipment toward the mobile terminal.

10. (Canceled)

11. (Original) The method of claim 5 wherein a person at the mobile terminal is in audio communication via the wireless network with an attendant at a video monitor.

12. (Original) The method of claim 5 wherein the equipment used to effect surveillance remains focused for a fixed interval of time.

13. (Original) The method of claim 1 further comprising making a recording of the area under surveillance.

14. (Previously Presented) The method of claim 1 wherein the request for surveillance from the mobile terminal is effected by activating a menu and selecting a surveillance option from the menu.

15. (Original) The method of claim 1 wherein the request for surveillance from the mobile terminal is effected by entering a code.

16. (Previously Presented) The method of claim 15 wherein the code comprises one or more digits.

17. (Original) The method of claim 1 further comprising the step of recording data from the active equipment effecting surveillance of the identified area.

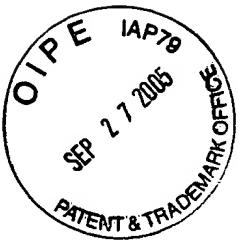
18. (Previously Presented) A wireless telecommunication system comprising:
a video surveillance equipment coupled to a network; and
a mobile terminal coupled to said network, said mobile terminal configured to cause said video surveillance equipment to initiate a request for surveillance of an area.

19. (Previously Presented) A wireless telecommunication system, as set forth in claim 18, wherein the request for surveillance from the mobile terminal is effected by activating a menu and selecting a surveillance option from the menu.

20. (Previously Presented) A wireless telecommunication system, as set forth in claim 18, wherein said wireless telecommunication system is configured to use a geographical position of the mobile terminal to identify the area under surveillance and control the orientation of a camera.

21. (Previously Presented) A wireless terminal coupled to a network, the wireless terminal comprising:

means for coupling a video surveillance equipment to a network; and
means for orienting said video surveillance equipment to initiate a request for surveillance of an area.



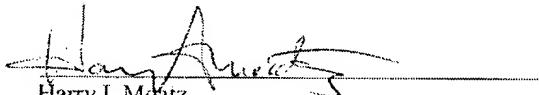
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